



AGENDA – January 4, 2016

6:00 Workshop

7:00 p.m. City Council Meeting
Long Beach City Hall
115 Bolstad Avenue West

6:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

WS 16-01	3rd Street Property Owners Meeting – TAB A
WS 16-02	Future Workshop Schedule – TAB B

7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Phillips, Council Member Linhart, Council Member Caldwell,
And roll call	Council Member Murry, Council Member Hanson.

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to five minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

CONSENT AGENDA – TAB C

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, December 21, 2015 City Council Meeting.
- Payment Approval List for Warrant Registers 55979-56004 & 79108-79139 for \$165,692.58
- **AB 16-01 – TIB Agreement – TAB D**

BUSINESS

- **AB 16-02 – Mayor Pro Tem – TAB E**
- **AB 16-03 – Council Member Replacement process - TAB F**
- **AB 16-04 – Council Rules – TAB G**

ORAL REPORTS

- | | | | | |
|---|---------------------|--------------|---------------------------|-------------------------|
| • | City Council | Mayor | City Administrator | Department Heads |
|---|---------------------|--------------|---------------------------|-------------------------|

CORRESPONDENCE AND WRITTEN REPORTS – TAB H

- December 2015 Sales and Lodging Tax Reports

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
January 19, 2016, February 1, 2016, February 16, 2016, March 7, 2016

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

TAB - A



**CITY COUNCIL
WORKSHOP BILL**

WS 16-01

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

AGENDA ITEM INFORMATION		
SUBJECT: Dune to Pond Trail	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Events Coordinator	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	

SUMMARY STATEMENT: Staff to update Council on project, adjacent property owners have been notified and may be in attendance. Conceptual alignment map attached.

TAB - B



**CITY COUNCIL
WORKSHOP BILL
WS 16-02**

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

SUBJECT: Future Workshop Schedule	Originator:	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A		
SUMMARY STATEMENT: The Mayor has five workshops that he would like to schedule in January. Please bring your calendar so we can pick dates that work for the council.		

January 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 <i>Workshop—3rd Street Council</i>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19 <i>Workshop Council</i>	20	21	22	23
24	25	26	27	28	29	30
31						

Workshops to Schedule

- 1.—Music and Rack Cards
- 2.—Summerfest Activities / Hospitality Training
- 3.—Package Travel
- 4.—Cruise Ships

5.—Visitor's Bureau

TAB - C

LONG BEACH CITY COUNCIL MEETING

December 21, 2015

CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

ROLL CALL

David Glasson, City Administrator, called roll with Mayor Andrew, C. Murry, C. Perez, C. Phillips, C. Linhart and C. Hanson all present.

CONSENT AGENDA

Minutes, December 7, 2015 Regular City Council Meeting.

Payment Approval List for Warrant Registers 55941- 55978 & 79051 - 79107 for \$230,817.13

C. Linhart made the motion to approve Consent Agenda and C. Phillips seconded the motion. 5 Ayes, motion passed.

BUSINESS

AB 15-67 Public Hearing – Public Participation Plan for Comp Plan

David Glasson, City Administrator, presented the Agenda Bill. The GMA now requires all Comprehensive Plans to include a Public Participation Plan. No Public Comment was made. **C. Phillips made the motion to conduct a public hearing and adopt Ordinance No. 924; C. Linhart seconded the motion. 5 Ayes, motion passed.**

AB 15-68 Contract for A & E Services – Project Safe Haven

David Glasson, City Administrator, presented the Agenda Bill. The City Attorney drafted a new professional services contract, vetted by the Administrator, the Community Development Director, and the Council. Staff has combined these efforts into a single A&E Agreement., which has taken several months and a toll on the project schedule.

C. Linhart made the motion to authorize the Mayor to execute the contract with PND Engineering to initiate work on the Safe Haven Project; C. Murry seconded the motion. 5 Ayes, motion passed.

AB 15-69 Brigid Byrne Property Donation Decision

David Glasson, City Administrator, presented the Agenda Bill. Mrs. Byrne approached the city with an offer to donate three lots of her plat if the city would purchase the 4th lot from the Stirling family.

C. Murry made the motion to DISAPPROVE AB 15-69; C. Phillips seconded the motion. 5 Ayes, motion passed.

AB 15-70 Water, Sewer, Storm Water Rate Ordinance #925

David Glasson, City Administrator, presented the Agenda Bill. Increasing the Water rates 2%, Sewer Rates 6% and Storm Water rates 10%.

C. Hanson made the motion to Adopt Ordinance #925 and C. Linhart seconded the motion. 4 Ayes, 1 Nay, motion passed.

AB 15-71 PACCOM Memorandum of Understanding related to .1% Sales Tax
David Glasson, City Administrator, presented the Agenda Bill. This memorandum establishes a general framework on how the .1% Sales tax money will be spent, limiting the funds to the 911 system.
C. Phillips made the motion to approve and authorize the Mayor to sign AB 15-71; C. Hanson seconded the motion. 5 Ayes, motion passed.

AB 15-72 Vision Software and Professional Services Agreements
David Glasson, City Administrator, presented the Agenda Bill. This was discussed during the budget process, adding new software from Vision, along with a new server. It is in the approved 2016 Budget. The software payment is split over 5 years, without interest.
C. Hanson made the motion to Authorize Staff to sign the agreements; C. Linhart seconded the motion. 5 Ayes, motion passed.

AB 15-73 CED Agreement for Lighting update through PUD
David Glasson, City Administrator, presented the Agenda Bill. This was unbudgeted, but is required from our L & I Investigation. Both the fire budget and shop budgets should be able to absorb this one-time expense, with an annual projected savings for the Fire Dept. of \$890 and the shops of \$730.
C. Hanson made the motion to Authorize Staff to proceed with the purchase; C. Linhart seconded the motion. 5 Ayes, motion passed.

Ordinance 926 **C. Phillips made the motion to approve Ordinance 926 and C. Linhart seconded the motion. 5 Ayes, motion passed.**

ORAL REPORTS

C. Phillips, C. Perez, C. Murry, C. Linhart, Mayor Andrew, David Glasson, City Administrator, and Police Chief, Flint Wright, presented reports.

CORRESPONDENCE AND WRITTEN REPORTS

- Correspondence- Gloria Park regarding Bear confrontation
- Correspondence- Department of Health, Office of Drinking Water
- Correspondence- Charter Communications Rate Change

OATH OF OFFICE

Mayor Elect Phillips, Councilman Del Murry, Steven Linhart and Councilman Elect Tye Caldwell

PUBLIC COMMENT

Rev. Richard Loop
Jim Elmer.

ADJOURNMENT

The Mayor adjourned the meeting at 7:39 p.m.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2015 - December - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member	Council Member	Council Member	Clerk/Treasurer
Number	Name	Print Date	Cleaning Date
Direct Deposit Run - 12/17/2015	Payroll Vendor	12/18/2015	Amount
55979	Bell, Helen S	12/18/2015	Total
55980	Binton, Jacob	12/18/2015	\$20,592.20
55981	Bonney, Matthew T	12/18/2015	\$1,369.57
55982	Bool, Kristopher A	12/18/2015	\$1,604.76
55983	Church, Keilen M	12/18/2015	\$1,440.52
55984	Daulton, Alan T	12/18/2015	\$1,384.70
55985	Gilbertson, Bradley K	12/18/2015	\$1,391.07
55986	Goulter, John R.	12/18/2015	\$63.58
55987	Gray, Karen	12/18/2015	\$1,485.08
55988	Huff, Timothy M.	12/18/2015	\$1,542.26
55989	Luethe, Paul J	12/18/2015	\$89.73
55990	Mortenson, Tim	12/18/2015	\$1,479.92
55991	Padgett, Timothy J	12/18/2015	\$1,399.11
55992	Russum, Richard	12/18/2015	\$1,694.40
55993	Warner, Ralph D.	12/18/2015	\$1,398.11
55994	Wright, Flint R	12/18/2015	\$1,870.06
55995	Zuern, Donald D.	12/18/2015	\$2,430.99
55996	AFLAC	12/18/2015	\$2,192.19
55997	Association of WA Cities	12/18/2015	\$344.36
55998	City of Long Beach - Fica	12/18/2015	\$23,224.79
55999	City of Long Beach - FVH	12/18/2015	\$9,993.88
56000	Dept of Labor & Industries	12/18/2015	\$7,668.65
56001	Dept of Retirement Systems	12/18/2015	\$2,143.05
56002	Dept of Retirement Systems Def Comp	12/18/2015	\$10,723.39
56003	Massmutual Retirement Services	12/18/2015	\$1,350.00
			\$650.00

Number	Name	Print Date	Clearing Date	Amount
56004	Teamsters Local #58	12/4/2015		\$190.00
79108	Bonney, Matt	12/28/2015		\$48.76
79109	Ellyson, Sue	12/28/2015		\$46.75
79110	Hoover, Brandon	12/28/2015		\$70.00
79111	At&t Mobility	12/28/2015		\$100.43
79112	Department of Licensing - Firearms Section	12/28/2015		\$18.00
79113	DMCJA	12/28/2015		\$187.00
79114	First American Title	12/28/2015		\$102.50
79115	KEYBANK	12/28/2015		\$10,254.25
79116	Association of WA Cities	12/30/2015		\$540.90
79117	Long Beach Firefighter's Foundation	12/30/2015		\$20,000.00
79118	All Safe Mini Storage	12/31/2015		\$190.00
79119	AlSCO-American Linen Div.	12/31/2015		\$66.16
79120	Astoria Janitor & Paper Supply	12/31/2015		\$593.67
79121	Backflow Management Inc	12/31/2015		\$1,500.00
79122	Catomation, Inc	12/31/2015		\$1,000.00
79123	Cascade Columbia Distribution CO	12/31/2015		\$2,802.05
79124	CRUISE MASTER PRISMS	12/31/2015		\$107.65
79125	EverBank	12/31/2015		\$231.48
79126	Evergreen Septic Pumping LLC	12/31/2015		\$1,368.98
79127	Ford Electric	12/31/2015		\$107.90
79128	GE Analytical Instruments, Inc	12/31/2015		\$5,818.00
79129	Global Environmental Products	12/31/2015		\$811.00
79130	H. D. FOWLER	12/31/2015		\$3,807.59
79131	Pacific County Auditor	12/31/2015		\$33.00
79132	Porter Foster Rorick LLP	12/31/2015		\$1,216.00
79133	Postmaster	12/31/2015		\$317.68
79134	Public Utility District 2	12/31/2015		\$8,891.42
79135	Standard Insurance Co.	12/31/2015		\$2,811.13
79136	STAPLES ADVANTAGE	12/31/2015		\$532.61
79137	Usa Blue Book	12/31/2015		\$108.20
79138	Verizon Wireless	12/31/2015		\$138.03
79139	Zee Medical Service Co.	12/31/2015		\$593.99
	Total		Check	\$145,100.38
	Grand Total			\$165,692.58

TAB - D



**CITY COUNCIL
AGENDA BILL
AB 16-01**

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

SUBJECT: Agreement with Washington State Transportation Improvement Board	Originator:	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: \$9,557	Water/Wastewater Supervisor	
	Other:	
SUMMARY STATEMENT: The City applied to the Transportation improvement Board, seeking money to pave streets in 2016. TIB has approved the request and has sent this agreement for signature.		
RECOMMENDED ACTION: <i>Authorize the Mayor and Staff to sign the agreement.</i>		



Washington State Transportation Improvement Board

TIB Members

Councilmember Bob Olson, Chair
City of Kennewick

Commissioner Richard Stevens,
Vice Chair
Grant County

Jim Albert
Office of Financial Management

Pasco Bakotich, P.E.
WSDOT

Wendy Clark-Getzin, P.E.
Clallam Transit

Gary Ekstedt, P.E.
Yakima County

Mayor James Irish
City of La Center

John Klekotka, P.E.
Port of Everett

Commissioner Robert Koch
Franklin County

Colleen Kuhn
Human Services Council

Mayor Patty Lent
City of Bremerton

Mick Matheson, P.E.
City of Sultan

E. Susan Meyer
Spokane Transit Authority

Laura Philpot, P.E.
City of Sammamish

David Ramsay
Feet First

Amy Scarton
WSDOT

Heidi Stamm
HS Public Affairs

John Vodopich
City of Bonney Lake

Jay Weber
County Road Administration Board

Clay White
Snohomish County

Stevan E. Gorcester
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

November 20, 2015

Mr. David Glasson
City Administrator
City of Long Beach
Post Office Box 310
Long Beach, WA 98631-0310

Dear Mr. Glasson:

Congratulations! We are pleased to announce the selection of your project, FY 2017 Overlay Project, Multiple Locations, TIB project number 2-W-970(001)-1.

Total TIB funds for this project are \$181,562.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement; and
- Return the above items to TIB.

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by November 20, 2016 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Chris Workman, TIB Project Engineer, at (360) 586-1153 or e-mail ChrisW@tib.wa.gov.

Sincerely,

Stevan Gorcester
Executive Director

Enclosures

Small City Preservation Program (SCPP)
Approved Segment Listing
FY 2017 Overlay Program

LONG BEACH

Street	Termini	Pavement Length	Pavement Width
13th Street S	Ocean Beach Boulevard to Pacific Avenue	450 feet	22 feet
17th Street S	Ocean Beach Boulevard to Pacific Avenue	450 feet	22 feet
3rd Street S	Pacific Avenue to mid-block east	250 feet	22 feet
3rd Street S	Washington Avenue to east city limits	250 feet	22 feet
3rd SW	Ocean Beach Boulevard to Pacific Avenue	250 feet	22 feet



City of Long Beach
2-W-970(001)-1
FY 2017 Overlay Project
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Long Beach
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the FY 2017 Overlay Project, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Long Beach, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$181,562 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Print Name

Print Name

TAB - E



**CITY COUNCIL
AGENDA BILL**

AB 16-02

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

SUBJECT: Council Member Replacement Process	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT:

RCW 35A.12.065

Pro tempore appointments.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

RECOMMENDED ACTION: Select a Mayor Pro Tem

TAB — F



**CITY COUNCIL
AGENDA BILL
AB 16-03**

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

SUBJECT: Council Member Replacement Process	Originator:	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A	Other:	
SUMMARY STATEMENT: Attached is an article from Municipal Research and Services Center regarding the process to fill a council vacancy.		
RECOMMENDED ACTION: <i>Establish a process to select the next council member.</i>		

Filling a Vacancy in a City or Town Council

August 13, 2014 by [Paul Sullivan \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=104\)](#)

Category: [Legislative Body \(/Home/Stay-Informed/MRSC-Insight.aspx?catID=163&cat=Legislative Body\)](#)

With 281 cities and towns in Washington and with city and town councils typically consisting of five to seven members, there are bound to be vacancies in council positions on a fairly regular basis. Vacancies typically occur due to the death, resignation, or loss of residency. If there is a vacancy, a replacement needs to be appointed. This post addresses the requirements and process for doing that.

What are the rules for filling a vacant council position? The statutes merely provide that a vacancy "shall be filled as provided in chapter 42.12 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.12>) RCW." See, for example, RCW 35A.12.050 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=35A.12.050>). RCW 42.12.070 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.12.070>)(1) states that "the remaining members of the governing body shall appoint a qualified person to fill the vacant position." If there is more than one vacancy to fill, one position is filled first and then, with that added appointee, a vote is taken to fill the other position(s). *Id.* (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.12.070>). If, due to vacancies, there is only one councilmember remaining or if all council positions are vacant, the county legislative authority appoints a qualified person or persons until the council has two members, who can then begin the appointment of the remaining members.

The appointment should be made within 90 days of the vacancy's occurrence; if it is not, the city council loses its authority to do so and the county legislative body, within 180 days of the vacancy's occurrence, makes the appointment. RCW 42.12.070 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.12.070>)(4). If the county legislative authority fails to make the appointment within that time period, the governor may be petitioned by the city council or county legislative authority to do so, and governor may make the appointment if the county legislative authority has not, in the meantime, done so. *Id.* (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.12.070>)

The person appointed must have the same qualifications for the council position at the time of appointment as would a person elected into the position. In second class and code cities and in towns, he or she must be a registered voter and a city or town resident. RCW 35.23.031 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=35.23.031>) (second class cities); RCW 35.27.080 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=35.27.080>) (towns); RCW 35A.12.030 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=35a.12.030>) and 35A.13.020 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=35A.13.020>) (code cities). The code city statutes also provide that the person must be a resident of the city for a period of at least one year preceding his or her appointment. Cities with wards or districts also require that some or all council positions be filled by a resident of the particular ward or district.

The first class city statutes are silent as to eligibility requirements, but a general statute, RCW 42.04.020 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.04.020>), requires that, to hold any elective office, a person must be a U.S. citizen and an "elector" of the jurisdiction. (The state constitution states that an elector - a person entitled to vote - is a person who is a U.S. citizen, 18 years of age or older, and a resident in the state, county, and precinct at least 30 days immediately preceding the election. Though, to be able to vote, you have to register, so, technically, being a registered voter is not the same as being an elector.) Most all of the 10 first class city charters require the person be a registered voter, and some require residency of a year or more.

What process should be followed to make the actual appointment? Must the vacancy be advertised? Are applications required? Must the council interview candidates? The answer is that there is no process required by state law. So, what process is used is up to each city or town council. A council could, if it so chooses, just appoint the first qualified person who comes in the door. In my experience, though, most councils advertise that there is a vacancy, and they ask interested persons to either fill out an application or write a letter of interest to the council for consideration. Typically, the council will then interview candidates in an open session, as required by the Open Public Meetings Act, before making the appointment. (The council may, however, evaluate the qualifications of candidates in an executive session. RCW 42.30.110 ([\(http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30.110\)](http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30.110))(1)(h)). The vote to fill the vacancy must be in open session. For one example of how a city council might proceed, see Bothell City Council Protocol Manual, [Section 12.02 \(/Corporate/media/MediaLibrary/SampleDocuments/PolicyProcedures/B67ccprotocol.pdf#page=76\)](#).

One final note: the person appointed to fill the vacancy must now obtain open government training (open public meetings and public records) within 90 days of assuming office. RCW 42.30.205 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30.205>).



About Paul Sullivan

Paul has worked with local governments since 1974 and has authored MRSC publications on local elections, ordinances, and general local government operation. He also provides training on the Open Public Meetings Act. [VIEW ALL POSTS BY PAUL SULLIVAN ▶ \(/Home/Stay-Informed/MRSC-Insight.aspx?aid=104\)](#)

Comments

0 comments on Filling a Vacancy in a City or Town Council

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**CITY COUNCIL
AGENDA BILL
AB 16-04**

Meeting Date: January 4, 2016

AGENDA ITEM INFORMATION

SUBJECT: Council Rules	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk/Treasurer	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A	Other:	
SUMMARY STATEMENT: Mayor Phillips would like to move the public comment section up toward the front of the council agenda, so the policies would need to be adjusted to address that change.		
RECOMMENDED ACTION: Adopt Resolution 2016-1		

RESOLUTION NO. 2016 - 01
A RESOLUTION ESTABLISHING COUNCIL RULES, AND APPROVING THE
CITY'S GOVERNANCE POLICIES

WHEREAS, the City recognizes the value of well conducted meetings and guidelines of conduct; and

WHEREAS, the City now wishes to establish Council Rules to ensure such conduct;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Long Beach that:

Section 1 AUTHORITY

- 1.1 The city adopts the classification of non-charter code city operating under the mayor-council plan of government as set forth in Revised Code of Washington chapter 35A.12, endowed with all the applicable rights, powers, privileges, duties and obligations of non-charter code cities as set forth in Revised Code of Washington chapter 35A.12 as the same now exists; including, but not by way of limitation, those set forth in Revised Code of Washington chapter 35A.11; and further including any and all supplements, amendments or other modifications of Revised Code of Washington title 35A which may hereafter be enacted. (1988 Code § 1.08.010) The Council, by resolution, may adopt rules consistent with state law, to govern its meetings.
- 1.2 The rules adopted in this resolution shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner prescribed by these rules.
- 1.3 These rules apply equally to the Mayor and Councilors.
- 1.4 These rules are to be observed in addition to and may not be contradictory to the current City Ordinances.

Section 2 THE MAYOR AND COUNCIL

- 2.1 The Mayor and Council (hereafter, Council) are the policy making body of the City.
- 2.2 Councilors have no authority when acting as individuals to make decisions and/or create policy for the City. This Authority resides solely with the majority vote of the Council while in a regular or special City Council meeting. City Council decisions which are not unanimous are still the official policy of the City.

Section 3 COUNCIL MEETINGS

- 3.1 Regular meetings of the Council will be held the first and third Monday of each month at 7:00 p.m. and at such other additional dates and times as the Council shall determine. Unless otherwise provided, regular meetings shall be held at the Long Beach City Hall.
- 3.2 At the first regular City Council meeting in January following the election, the City Council shall select a Mayor Pro Tempore who will fill in for the Mayor when absent. This includes Council Meetings, ceremonial functions the Mayor would attend, other functions calling for the attendance of the Mayor and the signing of documents in the absence of the mayor. No other duties or responsibilities of the Mayor will be performed by the Mayor Pro Tempore.
- 3.3 Time and date of the regular Council meetings may be changed for special circumstances, to facilitate work sessions or in order to have a quorum of Councilors at the meeting. Regular meeting notice requirements must be followed.
- 3.4 Special meetings of the Council may be called at any time by the mayor or any three (3) members of the council by written notice delivered to each member of the council, the city clerk and the city administrator at least twenty four (24) hours before the time specified for the proposed meeting.
- 3.5 An emergency meeting of the Council is a Special Meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public or the press of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.
- 3.6 Workshop or Training meetings of the Council may be held at the convenience of the Council at a time when as many as possible can attend. These meetings may be held for Council goal setting, new Councilor training, or longer workshops for planning programs or projects. The Council may decide if public input is allowed at a workshop, or it may be held without opportunity for public input.
- 3.7 Executive sessions may be held by the Council pursuant to Washington State laws. Staff members may be permitted to attend. The City Administrator is required to attend.

- 3.8 Open Meetings: All council meetings shall be open to the public except as permitted by Revised Code of Washington chapter 42.30. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to each local newspaper of general circulation, as provided in Revised Code of Washington 42.30.080 as now or hereafter amended. (2007 Code)
- 3.9 Councilors should inform the Mayor, City Administrator, or City Administrative Staff if unable to attend any Council meeting. The Mayor will inform the Council Mayor Pro Tempore if unable to attend any Council meeting.
- 3.10 Only a majority of the Council shall determine an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused. RCW 35A.12.060, which applies to mayor-council code cities which provides: "...a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council."

Section 4 AGENDA AND ORDER OF BUSINESS

- 4.1 An agenda for each regular Council meeting shall be prepared by the City Administrator. The Mayor may direct that a specific item(s) be included on the agenda. The City Council at a regular City Council meeting may by majority vote, direct that a specific item(s) be place on the next regular council meeting agenda. The City Administrator should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Agendas and informational material should be distributed to the Council at least three (3) calendar days prior to the meeting.
- 4.2 The normal order of business for a regular Council meeting shall be as follows:

Although the normal order of business for a regular Council meeting usually follows the format as presented below, the agenda may be modified in order to allow for a more efficient meeting and to allow the public to participate and be aware of the decision rendered without undue delay. For example, an Ordinance may be moved for action immediately after the public hearing is held, rather than waiting for it to come up as an action item under administration.

- Open Regular Meeting with Call to Order, Pledge of Allegiance and Roll Call
- Public Comments
- Consent Calendar
- Business
- Oral Reports
- Correspondence and Written Reports
- Future City Council Meeting Schedule
- Adjournment
- Note – If required, an Executive Session can be placed on the City Council Agenda, but must be done prior to the meeting.

The Chair may consider agenda items out of order as he/she deems necessary to facilitate the efficient management of the agenda. A Council Member may request the Chair consider the same action for an agenda item.

Section 5 PROCEDURE FOR COUNCIL MEETINGS

- 5.1 The current edition of Robert's Rules of Order Revised shall be used as a general guide for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's rules shall be necessary and approved by the Council.
- 5.2 The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings.
- 5.3 Council Meetings shall be chaired by the Mayor, if present, if not; the Council Mayor Pro Tempore shall serve as Chair. If neither the Mayor nor the Council Mayor Pro Tempore is present, the City Administrator shall call the meeting to order and those Council members present shall elect a Chair pro tem for that meeting. At any meeting, the Chair may appoint another member of the Council to serve as Chair for part or all of the meeting.
- 5.4 Every Councilor desiring to speak should first address the Chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Chair.
- 5.5 No motion shall be debated, except by the maker, until it has been seconded and announced by the Presiding Officer.

- 5.6 Members of the public desiring to address the Mayor and Council shall first be recognized by the Chair and then state their name and address for the record. Each person shall have up to three (3) minutes to present their comments. Groups with like comments should choose a spokesperson who will present their joint remarks.
- 5.7 Councilors should refer people with questions or complaints to the City Administrator, explaining that if they are not satisfied with the results of that meeting, they should ask to be put on a council meeting agenda or present their issue during the public input portion at a future council meeting.
- 5.8 City Councilors, with the approval of the Chair, may respond to a public comment during the public open comment period. If necessary, response to public comment may be referred to the City Administrator for response at a subsequent time.
- 5.9 Remarks by members of the public shall be limited to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor. A member of the public wishing to address an item not otherwise listed on the agenda may do so only during Public Comment. Any remarks and questions regarding personnel or administration of the City shall be referred to the City Administrator by the Chair. The Chair may redirect other questions to a City Councilor or the City Administrator, as appropriate.
- 5.10 Every Councilor may address questions directly to the City Administrator, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the City Administrator prior to the meeting when possible.
- 5.11 Prior to a vote, the Chair shall restate the motion or have the maker of the motion restate it to assure clarity of the issue.
- 5.12 When a quorum is present, a majority of the Council present and voting shall decide a motion. A Councilor who is present but abstains from voting is still counted in the quorum. A Councilor must be present to vote.
- 5.13 The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council.
- 5.14 Duty to Vote: Unless confronted with an actual conflict of interest or excused by a majority of the council, every member present when a question is taken, shall vote. For the purposes of this section, an abstention is counted as a vote.

- 5.15 Conflicts of Interest: In every case in which a Councilor is faced with an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove him or herself from the Council table and refrain from participation in both the discussion and the vote on the issue.
- A. An actual conflict of interest is defined as any action, decision, or recommendation which will have a private pecuniary benefit on the Councilor or allow the Councilor to avoid a private pecuniary detriment. This standard also applies to relatives of the Council or any business with which the Councilor or Councilor's relative is associated. (Chapter 42.23 RCW).
 - B. "Remote Interests" (Chapter 42.23.040 RCW) "A municipal officer is not interested in a contract, within the meaning of RCW 42.23.030, if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest."
- 5.15 The vote on every motion shall be taken by a show of hands or roll call and entered in the meeting minutes. Any other questions before Council shall not require a recorded vote unless requested by any Council member. A member's explanation of their vote shall not be in order during a roll call.
- 5.16 A motion fails in the event of a tie vote. When the Mayor is present and presiding over the council meeting, if there is a tie in the votes of the council members with respect to issues other than the passage of any ordinance, grant, or revocation of a franchise or license, or any resolution for the payment of money, the Mayor may vote to break the tie.
- 5.17 A Councilor who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Council meeting.

Section 6 DECORUM AND ORDER

- 6.1 The Chair shall preserve decorum and decide all points of Order, subject to appeal to the Council.

- 6.2 The Councilors shall help the Chair preserve decorum during Council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Council Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 6.3 Members of the administrative staff, employees of the City and other Persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.
- 6.4 Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting may be removed from the room, after fair warning, if the Chair so directs without a majority vote of the Council present. In case the Chair should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Chair so directed. Stamping of the feet, whistles, yells and clapping are similarly not permitted. Such persons may be barred from further audience before the Council and, in aggravated cases; an appropriate complaint shall be issued by the Chair to prosecute this person or persons.
- 6.5 If a meeting is disrupted by members of the audience, the Chair may order that the Council Chamber be cleared and a recess called until order is restored.

Section 7 CODE OF ETHICS

- 7.1 Councilors shall comply with all applicable provisions of the State of Washington's Government Ethics Laws.
- 7.2 Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without

regard to race, national origin, sex, age, social station, or economic position.

- 7.3 If the Mayor or Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the position of the City Council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the Council.

Section 8 COUNCIL RELATIONS WITH CITY STAFF

- 8.1 Orientation of New Members - It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Administrator and City Clerk will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected official orientation. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.
- 8.2 There will be mutual respect from both Councilors and staff of their respective roles and responsibilities when and if expressing criticism in a public meeting.
- 8.3 The Council sets city policies and goals. The staff implements and administers the policies and goals.
- 8.4 During a City Council meeting, all requests for information go directly to the Mayor, Chair or City Administrator. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the Mayor or City Administrator. The Mayor will ask the City Administrator to direct them to other staff, the City Attorney or deal with them him/herself as appropriate. Questions or complaints regarding staff go directly to the Mayor or City Administrator.
- 8.5 The City Councilors may seek information from staff members regarding the operation of their department, but will not attempt to change or interfere with the operation or practice of any city department or personnel except by directing their concerns to the Mayor or City Administrator.

Section 9 COMMITTEES

- 9.1 The mayor with consent of the council may establish by resolution ad hoc or standing committees to perform specified investigatory or advisory functions. Any authority granted to such committees shall be clearly delegated in the resolution creating the committee.
- 9.2 A Citizens Committee may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment.
- 9.3 The Mayor may remove a member from any city committee or commission prior to the expiration of the term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner, or not acting in the best interest of the citizens or city.
- 9.4 Members of the Council shall not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. It is important for City advisory bodies to make objective recommendations to the Council on items before them. Councilors that attempt to influence board, committee, citizen committee or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the Council.
- 9.5 Council Committee meetings, when directed by the Council, may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.
- 9.6 All meetings of any City Boards, Commissions, Task Forces, or Council Committees shall be subject to and comply with the Washington Public Meetings Laws.

Section 10 CONFIDENTIALITY

- 10.1 Councilors must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session, to ensure that the City's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Councilors, the City Administrator, or City Attorney.

- 10.2 If the Council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A Councilor shall not have any contact or discussion with the other party, or the representatives involved with the issue, nor communicate any discussion conducted in executive session.
- 10.3 All public statements, information, or press releases on confidential matters will be handled by the Council Spokesperson or designated staff.

Section 11 SUSPENSION OR AMENDMENT OF COUNCIL RULES

- 11.1 Any provision of these rules not governed by State law or the City Charter may be temporarily suspended by a majority vote of the Council.
- 11.2 Amendments, deletions or additions to these Council Rules shall be by Resolution approved by the City Council.

Section 12 SEVERABILITY

The Councilors agree that if any term or provision of the rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid.

Adopted this 4th Day of January, 2016.

AYES

NAYS

ABSENT

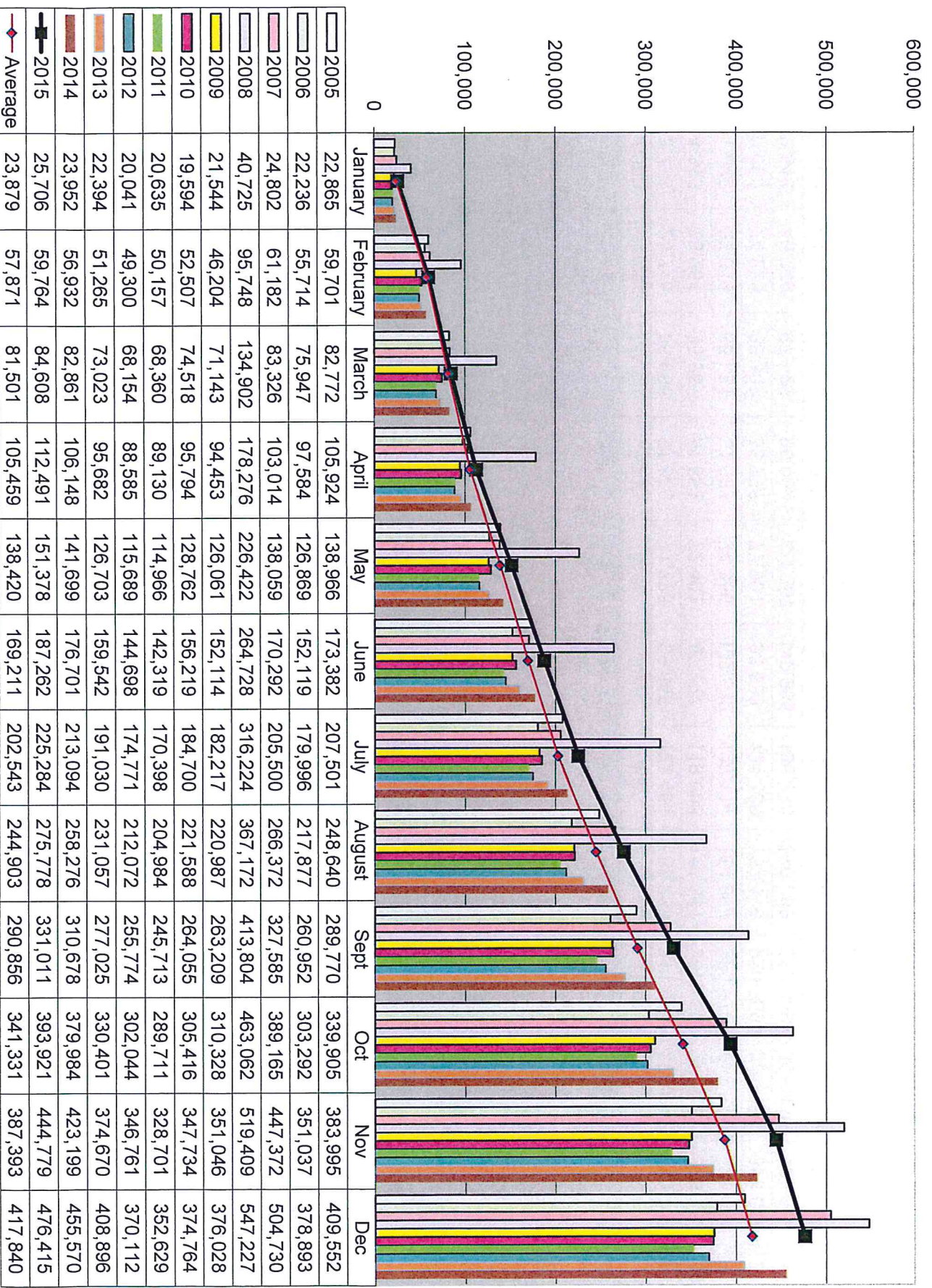
MAYOR
Jerry Phillips

ATTEST:

City Clerk

TAB — H

Sales Tax Collections



Lodging Tax Collections

